

1 WO  
2  
3  
4  
5

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8  
9 United States of America, ) No. CV 09-0703-PHX-JAT (Lead)  
Petitioner, ) No. MC 09-00035-PHX-JAT (Cons.)

10 vs. )  
11 )  
12 )  
13 Alis K. Harper; Brent R. Harper; and Brent )  
Harper, Inc., )  
14 Respondents. )  
15 \_\_\_\_\_ )

16 United States of America, )  
Petitioner, )  
17 vs. )  
18 )  
19 Alis K. Harper; and Brent R. Harper, )  
20 Respondents. )  
\_\_\_\_\_ )

21 Pending before this Court is petitioner United States of America's Motion to Transfer  
22 (Doc. # 3), which this Court is treating as a motion to transfer and consolidate. Petitioner  
23 seeks to transfer the following case: United States v. Alis K. Harper and Brent R. Harper,  
24 MC 09-00035-PHX-DGC.

25 Under LRCiv 42.1(a)(1), transfer is permissible

26 [w]henever two or more cases are pending before different Judges and  
27 any party believes that such cases (A) arise from substantially the same  
transaction or event; (B) involve substantially the same parties or property; (C)  
28 involve the same patent, trademark, or copyright; (D) calls for determination

of substantially the same questions of law; or (E) for any other reason would entail substantial duplication of labor if heard by different Judges, any party may file a motion to transfer the case or cases involved to a single Judge.

3 The standard for transfer under LRCiv 42.1 is similar to the standard for consolidation under  
4 Rule 42(a), and this Court has broad discretion in determining whether to grant such motions.  
5 *Pangerl v. Ehrlich*, 2007 WL 686703 (D. Ariz. 2007) (citing *Investors Research Co.*, 877  
6 F.2d at 777).

7       Based upon the above standards, the Court finds that transfer and consolidation are  
8 appropriate. The present action and MC 09-00035-PHX-DGC involve common questions  
9 of law and fact. Transferring the two actions is substantially more efficient than litigating  
10 the claims in two separate courts. Transfer would have the effect of conserving time and  
11 effort, and it would avoid causing the parties to incur unnecessary expenses in trying two  
12 separate lawsuits. In addition, it would remove the need for duplication of labor that would  
13 otherwise result from having separate judges hear the cases individually. Lastly, transfer  
14 avoids the potential of inconsistent outcomes.

15 || Accordingly,

16           **IT IS ORDERED** granting Petitioner's Motion to Transfer MC 09-00035-PHX-DGC  
17 (Doc. # 3).

18       **IT IS FURTHER ORDERED** that the Clerk of the Court shall transfer MC 09-  
19 00035-PHX-DGC to this Court and consolidate it with CV09-0703-PHX-JAT. All future  
20 filings shall bear case number CV09-0703-PHX-JAT as the lead case and be submitted in  
21 substantially the same format as the caption of this order. All future filings related to these  
22 cases shall be filed in CV09-0703-PHX-JAT only.

24 DATED this 21<sup>st</sup> day of April, 2009.

  
James A. Teilborg  
United States District Judge